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To: NCIC OPPT@EPA, ChemRTK HPV@EPA, Rtk Chem@EPA, NCIC HPV@EPA, Karen Boswell/DC/USEPA/US@EPA, natalie_rutherford@fmc.com
cc: kflorini@environmentaldefense.org, rdenison@environmentaldefense.org
Subject: Environmental Defense comments on 3-(2,2-dichloro-ethenyl)-2,2-dimethyl cyclopropanecarbonyl chloride (CAS# 52314-67-7)

(Submitted via Internet 6/28/04 to oppt.ncic@epa.gov, hpv.chemrtk@epa.gov, boswell.karen@epa.gov, chem.rtk@epa.gov, MTC@mchsi.com, and natalie_rutherford@fmc.com)

Environmental Defense appreciates this opportunity to submit comments on the submission letter for 3-(2,2-dichloro-ethenyl)-2,2-dimethyl cyclopropanecarbonyl chloride (CAS# 52314-67-7).

Rather than providing a test plan and robust summary, sponsor FMC Corporation submitted only a brief letter for 3-(2,2-dichloro-ethenyl)-2,2-dimethyl cyclopropanecarbonyl chloride, commonly known as DV acid chloride. This letter states that DV acid chloride is so reactive that it is infeasible to test it in order to provide data for the chemical under the HPV Challenge.

While we agree with the company that this chemical is indeed very reactive, we do not believe the company has met its obligations under its commitment to sponsor this chemical under the HPV Challenge.

First, while the reactive nature of the chemical no doubt precludes the ability or advisability to perform tests for some of the required SIDS endpoints under the HPV Challenge, it surely does not preclude the ability to provide data for any of the endpoints, as the sponsor has in effect proposed. Values for many of the physical-chemical properties of this chemical that are required endpoints can be, or already have been measured, and need to be summarized and reported in the form of robust summaries, as required under the program. Others can be modeled using acceptable estimation models.

Second, specific arguments for why specific required SIDS endpoints cannot or should not be tested for are to be made within the context of a test plan submitted for review under the Challenge ? not in a general manner in a brief letter, as the sponsor has attempted to do.

In its original letter committing to sponsor this and a number of other HPV chemicals, dated March 10, 1999 (see www.epa.gov/chemrtk/c01302.htm), FMC acknowledged its obligations as a sponsor:

FMC recognizes that sponsorship entails assembling and reviewing available test data, developing and providing test plans for each of the sponsored chemicals, and, where needed, conducting additional testing in the time frame established by the Challenge program. The information and data we provide under the HPV Challenge Program will be made publicly available.

In summary, we do not believe the company has met its obligations under the Challenge program, and urge the company to develop and submit the required test plan and robust summaries for this HPV chemical.

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Thank you for this opportunity to comment.

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